SINGLE BENCH

C.S. 100/ — (5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 6791 OF 2006

PETITIONER : R. S. Dhruv, aged about 58 years Son of Shri Manjan Singh Dhruv, Working as an Additional Regional Transport Officer, Ambikapur, District Surguja (C.G.).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through: The Secretary, Department of Transport, D.K.S. Bhawan, Raipur (C.G.).

P.R. No. 691106 Presented by Shri D.K. Vishwakarma dated 30/11/06

2. The Special Secretary, Department of Transport, D.K.S. Bhawan, Raipur (C.G.).

RECEIVED-COPY 30/11/06 CLERK to A. G. BILASPUR

3. The Commissioner, Transport, Raipur (C.G.).

4. The Collector, Ambikapur District Surguja (C.G.).

5. Shri S. K. Kanwar, Deputy Regional Transport Officer, Regional Transport Office, Jagdalpur, District Bastar (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION ..... ETC

XI-HC-78

(48)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(C) 6791 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.12.2006 Mr. Manindra Shrivastava with Mr. V.K. Pandey, learned counsel for the petitioner. Mr. V.V.S. Murthy, learned Addl. A.G. with Ms. Sunita Jain, learned P.L. for the State/respondents No. 1 to 4. Mr. P.P. Sahu, learned counsel appearing for respondent No. 5 on caveat. Heard on admission. The petitioner is Additional Regional Transport Officer presently posted at Additional Regional Transport Office, Ambikapur. He has been transferred to Regional Transport Office, Jagdalpur vide order dated 24.11.2006 of Annexure P/1. The petitioner has challenged the above order by way of this petition under Article 226 of the Constitution of India. Learned counsel for the petitioner submits that the petitioner has joined at the present place of posting vide his joining report of Annexure P/3 on 15.10.2003 as per transfer order dated 10.10.2003. As per transfer policy for the year 2006-07 (Annexure P/4) generally transfers are to be effected between 1st June 2006 and 30th June 2006 and there is a total ban of transfer after 30th June 2006 and transfer, if	

P.T.O.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) 6291 **सन् 200** 8

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

any, could be effected only after obtaining concurrence from the Chief Minister by the Secretary. It is submitted that the above transfer order has been passed during the mid session and the same shall affect the education of the children of the petitioner. The above transfer order is also bad as the petitioner shall be attaining the age of superannuation on 30.7.2008 and therefore, by virtue of this transfer the finalization of his retrial benefits shall become difficult.

On the other hand, Mr. V.V.S. Murthy, learned counsel for the State/respondents No. 1 to 4 and Mr. P.P. Sahu, learned counsel appearing for respondent No. 5 on caveat submit that in pursuance of the order of transfer (Annexure P/1), respondent No. 5 has already been relieved and has given his joining at his transferred place.

I have heard learned counsel for the parties.

So far as violation of transfer policy and transfer during the ban period is concerned, the norms enunciated by the Government in the matter of regulating transfer is mere in the nature of guidelines for the purpose of guidance of its officers and the same does not vest the

XI-HC-78

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S)/...6791/ **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

concerned Government officer any immunity against his transfer order.

Considering the fact that the petitioner has been transferred after completion of three years of his tenure and further considering that the transfer is an incident of service, no case is made out for interference against the transfer order under writ jurisdiction. The petition deserves to be dismissed at the admission stage itself and it is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge

Kher

15/12/06

P.T.O.